

Applicants : Peter D. Kwong et al.
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28, 678) a partner in the firm of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, N.Y. 10036, outside patent counsel for Columbia University, has had primary responsibility for all matters relating to prosecution of the PCT application including entering the U.S. national stage. Mr. White has from time to time directed one or more other attorneys and/or legal assistants employed by Cooper & Dunham LLP to perform specified tasks, under his supervision, relating to prosecution of the PCT application.

3. At all times material hereto, the PCT application has been jointly assigned to Columbia University and another entity, and Columbia University has been responsible for instructing the attorneys prosecuting the PCT application, in all matters relating to the prosecution, including entering the national phase. Specifically, Ofra Weinberger, Ph.D., an official of a division of Columbia University, has at all times material hereto been responsible for giving such instructions to Mr. White and/or employees of Cooper & Dunham LLP acting under Mr. White's supervision.
4. At all times material hereto, Mr. White and employees for Cooper & Dunham LLP performing tasks relating to the prosecution of the PCT application under his supervision have known that they were to look to Columbia University, and specifically to Dr. Weinberger, for instructions in all matters relating to the prosecution of the PCT application, including entering the national phase, and it has been their duty to follow those instructions.